

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:13-CR-236-FL-1
No. 5:16-CV-389-FL

JEFFREY EDWARDS,)
Petitioner,)
v.) ORDER
UNITED STATES OF AMERICA,)
Respondent.)

This matter is before the court on petitioner's motion to reopen (DE 92). Petitioner has produced an email addressed to appointed counsel advising her not to dismiss his § 2255 motion. Because counsel filed a notice of voluntary dismissal, petitioner now seeks to have his case reopened.

A review of the record reveals that petitioner’s appointed counsel filed a motion under 28 U.S.C. § 2255 on June 14, 2016. That same day, this court ordered the government to file a response to the motion within forty days. On July 20, 2016, the government moved to stay the case pending the Supreme Court’s final decision in Beckles v. United States, 15-8544. This court granted the motion. On March 14, 2017, this court lifted the stay and directed petitioner to show cause why his motion should not be dismissed in light of Beckles v. United States, 137 S. Ct. 886 (2017). On March 20, 2017, Petitioner’s appointed counsel filed a notice of voluntary dismissal.

This court concludes that the voluntary dismissal of petitioner’s § 2255 motion was the result of miscommunication with appointed counsel. Because this constitutes good cause to reopen petitioner’s § 2255 case, his motion to reopen (DE 92) is GRANTED. Petitioner has thirty days

within which to file pro se a supplement to his § 2255 motion. The government's response, if any, is due thirty days thereafter.

SO ORDERED, this the 15th day of May, 2017.



LOUISE W. FLANAGAN
United States District Judge